

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 2. ZONING DISTRICTS

§ 1-19-5.240. COMMERCIAL ZONING DISTRICTS.

(A) The purpose of commercial districts is to provide sufficient and convenient locations throughout the county for commercial uses, serving the needs of local areas, the larger community, and regional users.

(B) The Village Center District (VC) is intended to reinforce and enhance the historically mixed-use areas within rural communities and designated growth areas. The district provides for the location of a variety of limited commercial uses and a range of housing types while maintaining the compatibility of new development with existing development through design standards. A mix of uses is encouraged in the village center either within a single structure or as separate uses located throughout the district.

(C) The General Commercial District (GC) is intended to provide general retail commercial and business services. The general commercial district will be located on roads with a minimum classification of collectors as designated by the Comprehensive Development Plan.

(D) ~~The Highway Service District (HS) is intended to provide varied services to the motoring public. Highway Service Districts will be located at intersections or interchanges of roads with minimum classification of arterial street in the Comprehensive Development Plan.~~

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	P ***	P ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS
Nursery wholesale	P	P									P		P	P
Farm winery	P ***	P ***												
Farm winery tasting room		PS ***												

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Farm brewery	P ***	P ***												
Farm brewery tasting room		PS ***												
Limited roadside stand	P	P	PS	PS					PS	PS	PS			
Commercial roadside stand	PS	PS	PS	PS					PS	PS	PS			
Forestry	P	P	P	P	P	P	P	P		P	P		P	P
Sawmill	E	E												PS
Mineral extraction														PS
Mineral processing														PS
Spring water harvesting and storage	E													
Intensive swine farm														
<i>Residential Uses</i>														
Single-family detached	P	P	P	P	P	P	P	P	P					
Duplex dwelling			P	P	P	P	P	P	PS					
Two-family dwelling		P	P	P	P	P	P	P	PS					
Townhouse				PS *	PS	PS	PS	PS	PS					
Multifamily dwellings						PS	PS	PS	PS					
Multifamily group developments						PS	PS	PS	PS					
Mobile homes	P	P												
Caretaker residence in conjunction with a permitted use	PS	PS							PS	P	P		P	P
Accessory apartment	E	E	E	E	E	E	E	E	E	E				

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Temporary Housing</i>														
Bed and breakfast	PS	PS							PS		PS			
Motel, hotel									PS	PS	PS	PS	PS	
Temporary mobile home	T	T	T											
<i>Commercial Uses – Retail</i>														
Antique, artisan and craft shops									PS	PS	PS			
Apparel store									PS		PS			
Appliance sales and service									PS		PS			
Auction house									PS		PS		PS	PS
Food stores									PS		PS			
Boats, sales and service											PS		PS	PS
Book and magazine									PS		PS			
Camera									PS		PS			
Convenience stores									PS	PS	PS			
Department store or variety store									PS	-	PS			
Farm equipment sales or service ****		E							PS	-	PS		PS	PS
Feed and grain mill		E								-			PS	PS
Retail sales and service										-				
Florist									PS	-	PS			
Furniture repair									PS	-	PS		PS	PS
Shopping center									PS	-	PS			
Gift/souvenir									PS	PS	PS			
Hardware/garden center									PS	-	PS			
Hobby shop									PS	-	PS			
Horse tack and saddlery shop									PS	-	PS			
Household furnishing									PS	-	PS			
Jewelry									PS	-	PS			
Lumber yard										-	PS		PS	PS
Mobile home sales										-	PS		PS	PS

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Commercial Uses – Retail (Cont'd)</i>														
Music and record shops									PS		PS			
Office equipment									PS		PS			
Paint store									PS		PS			
Pet store									PS		PS			
Pet training/day care/grooming facility									PS		PS			
Pharmacy									PS		PS			
Radio and TV sales and service									PS		PS			
Shoe store									PS		PS			
Sporting goods									PS		PS			
Stone monument sales									PS		PS		PS	PS
Tobacco store									PS		PS			
Toy store									PS		PS			
Liquor store									PS		PS			
<i>Commercial Business and Personal Services</i>														
Advertising agency									PS		PS			
Bank or savings and loan									PS		PS	PS		
Broadcasting studio									PS		PS	PS	PS	PS
Communication towers**	E	E								PS	PS	PS	PS	PS
Barber and beauty shops									PS		PS			
Bus depot										PS	PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstery									PS		PS		PS	PS
Contractors, fencing, pool and siding											PS		PS	PS
Commercial or business school											PS			
Dance or music studio									PS		PS			
Dry cleaning and laundromat *****									PS		PS			
Funeral home											PS			

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Commercial Business and Personal Services (Cont'd)</i>														
Fortuneteller									PS		PS			
Landscape contractor		E									PS		PS	PS
Medical clinic									PS		PS	PS	PS	PS
Office business									PS		PS	PS	PS	PS
Office professional					E	E	E	E	PS		PS	PS		
Photography studio ****									PS		PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Country inn	E	E												
<i>Wholesaling and Processing</i>														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning ****											PS		PS	PS
Contractors office and storage													PS	
Petroleum products storage *****													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and dry cleaning *****													PS	PS
Self-storage units											PS		PS	PS
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS
Yard storage														PS
<i>Automobile and Related Services</i>														
Part sales and installation									PS		PS		PS	
Automobile filling and service station *****									PS	PS	PS		PS	PS
Carwash									PS	PS	PS		PS	

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Automobile and Related Services (Cont'd)</i>														
Automobile repair or service shop ****									E	PS	PS		E	PS
Sales and service center ****											PS		PS	PS
Salvage yard ****														PS
School bus parking	E	E							E	PS	PS		PS	PS
Truck stop and filling station service facility ****										E				PS
Motor freight terminal ****													PS	PS
<i>Animal Care and Service</i>														
Animal hospital or veterinary clinic		E							E		E			
Kennel		E							E		E			
Boarding stable	P	P									PS			
Commercial boarding stable	E	PS									PS			
Auction sales – animals		PS									PS		PS	PS
<i>Commercial Amusements</i>														
Bowling alley									PS		PS			
Carnival, circus		X	X						X	X	X		X	X
Race tracks											PS		PS	PS
Motorcycle hill climb														T
Health club, fitness center, vocational training facility									PS		PS		PS	
Tennis club				E	E	E	E	E			PS			
Golf course ****			PS	PS	PS	PS	PS	PS						
Skating rink											PS			
Swimming pool, commercial											PS			
Theater, drive-in or outdoor stage										PS	PS		PS	PS
Theater, indoor									PS		PS		PS	

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Commercial Amusements (Cont'd)</i>														
Zoo/botanical garden/arboretum										PS	PS			
Museums/gallery									PS	PS	PS			
Night club, tavern, lounge										PS	PS		PS	
Outdoor recreation center											PS		PS	PS
Rodeo		E												
Indoor sports recreation facility											PS		PS	
Video lottery facility														
<i>Industrial Uses</i>														
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
<i>Open Space and Institutional</i>														
Airports, public ****													PS	PS
Cemetery/memorial gardens		PS	PS											
Fairground										PS	PS		PS	PS
Shooting range/club - trap, skeet, rifle, archery	E	E											PS	PS
Aircraft landing and storage areas, private		E											E	E
Tent campground	E	E												
Recreational vehicle campground	-	-	-	-	-	-	-	-	-	E	-	-	-	-
Rustic retreat/camp/outdoor club	E	E												
<i>Institutional</i>														
Child care center/nursery school			E	E	E	E	PS	PS	PS		PS		E	
Civic community center		E	PS	PS	PS	PS	PS	PS	PS		PS			
Civic service clubs		E	P				PS	PS	PS		PS			

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Institutional (Cont'd)</i>														
Comprehensive physical rehabilitation facility								PS	PS		PS	PS		
Group homes, small private	P	P	P	P	P	P	P	P	P					
Group home, large		PS	PS	PS	PS	PS	PS	PS	PS					
Hospital								PS	PS		PS			
Assisted living facility			PS	PS	PS	PS	PS	PS	PS		PS			
Nursing home			PS	PS	PS	PS	PS	PS	PS					
Place of worship	E	PS	PS	E	PS	PS	PS	PS	PS		PS		PS	
Private school			E	E	E	E	E	E	E				E	
Community fire and rescue service		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
<i>Governmental and Nongovernmental Utilities</i>														
Arena or stadium											PS		PS	PS
College or university			PS	PS	PS	PS	PS	PS	PS		PS			
Elementary or secondary school			PS	PS	PS	PS	PS	PS	PS		T		T	T
Nongovernmental utility	E	E	E	E	E	E	E	E	E	PS	PS		PS	PS
<i>Solid Waste Operations</i>														
Borrow pit operations		PS											PS	PS
Industrial waste landfill ****		E												E
Rubble landfill		SW												SW
Recycling pickup and distribution centers													PS	PS
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW
RRF (Resource Recovery Facility - Nonseparated Materials)														SW

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Solid Waste Operations (Cont'd)</i>														
Composting :														
Limited wood waste recycling facility		E												E
Unlimited wood waste recycling facility		SW												SW
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW
Sludge pit		E												

* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

** Communication towers not permitted in residential, PUD and residential MXD Districts

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm winery tasting room, or farm brewery tasting room.

**** These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

(B) Permitted uses and required development review for limited zoning districts.

(1) Euclidean Institutional Zoning District (Ie). The Euclidean Institutional Zoning District is established to provide for college or university, continuing care retirement community (CCRC), private school, and elementary or secondary school land uses in existence or with final site development plan approval, within the Agricultural Zoning District, private school within the Agricultural or Resource Conservation Zoning District, and a CCRC within the Agricultural and R1 Zoning District on June 15, 2009. The continued or further application of this zoning district to land uses not meeting these standards is not permitted.

(2) Euclidean Open Space Recreation Zoning District (OSRe). The Euclidean Open Space Recreation Zoning District is established to provide for recreational vehicle campground, fairground, golf course, golf driving range, and miniature golf land uses in existence or with final site development plan approval, within the Agricultural Zoning District on June 15, 2009. The continued or further application of this zoning district to land uses not meeting these standards is not permitted.

ARTICLE VI: DISTRICT REGULATIONS
DIVISION 1. DESIGN REQUIREMENTS AND MODIFICATIONS
§ 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

Note 1. Minimum lot areas measured in acres and square feet; minimum lot width, yard areas and height measured in feet.

Note 2. The minimum lot area and yard requirements do not apply to agricultural activity involving no structures.

Note 3. Design requirements for uses permitted by special exception are established in §§ 1-19-8.320 *et seq.*

Note 4. Lot area, width and yard measurements may be modified in accordance with § 1-19-8.620 through § 1-19-8.620.6 (to residential zones - R3, R5, R8, R12, R16, VC).

<i>Highway Service District HS</i>							
Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Natural resources	5 acres	-	300	40	50	50	30'
Temporary housing							
Hotel or motel	20,000	500	100	25	15	35	60'
Commercial uses	20,000	-	100	25	8	35	60'
Automobile and related services	20,000	-	100	25	8	35	60'
Commercial amusements	20,000	-	100	25	8	35	60'
Open space uses	No minimum	-	-	-	-	-	-
Institutional	20,000	-	200	40	40	40	30'
Governmental and public utilities	20,000	-	200	40	40	40	30'

DIVISION 3. SIGNS

§ 1-19-6.320. SIGNS PERMITTED AND REGULATED IN THE ZONING DISTRICT.

For the purpose of this chapter, the following sign requirements will apply, unless otherwise provided in this chapter. For uses not listed in the following table or otherwise provided in this chapter, the Zoning Administrator shall determine the permitted signage. The determination shall be based upon similarity to an existing sign type within the table below or use within this chapter.

Sign Type		Maximum Size Permitted ¹		Zoning District Permitted*	Setback From Property Line ³			Conditions Required to be Met
		Area sf = sq. feet	Height ² f (feet)		Front	Side	Rear	
[(1) through (9) remain unchanged]								
(10)	Billboard	(360 sf)	(25 f)	HS, GC, LI and GI	S	S	S	No more than 1 billboard per lot, tract or parcel. Must be at least 300 ft distant from any R District. May not be closer than 200 ft to an existing dwelling on an adjoining property. May not be located within 100 ft of any street intersection
[(11) through (13) remain unchanged]								

¹ Combined total of all signs on a single property shall not exceed maximum size permitted.

² If not attached to building.

³ ½ means one-half the yard requirements for the district.

⁴ For panhandle lots the side setback shall be at least 25% of the panhandle width.

⁵ Unless otherwise provided in this chapter.

* Square footage of signs within the GC, ~~HS,~~ and industrial districts may be increased by 25% if no free-standing or pylon-type signs are used (§1-19-7.510, and §1-19-7.600)

S means equal to the yard setback requirements for the district.

F measured in linear feet and is the larger of the measurement of (1) the side of the building facing a public street (measurement S) or (2) the side of the building on which is located the primary public access to the building (measurement A). When measurement A is used to calculate sign size, the maximum size of any sign located on a side of the building facing a public street cannot be greater than the maximum sign size that would be permitted if measurement S was used.

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 5. COMMERCIAL DISTRICTS

§ 1-19-7.510. GENERAL COMMERCIAL, ~~HIGHWAY SERVICE~~.

The following provisions shall be applicable in the General Commercial, ~~Highway Service~~ Districts.

(A) *Access requirements.* One combined entrance/exit is permitted for each 200 feet of frontage. Access to corner lots will be at least 100 feet from intersecting street rights-of-way. Entrances to individual lots on a frontage road will be a minimum of 200 feet apart, except when developing on the circumference at the end of a cul-de-sac, then entrances may be less than 200 feet apart; however, combined entrances with adjoining properties shall be provided to limit the number of access points and give the maximum separation possible.

(B) *Vehicle and pedestrian circulation.* A plan for the internal circulation of vehicles and pedestrians will be reviewed and approved by the Planning Department.

(C) *Signs.* Square footage may be increased by 25% if no free-standing or pylon-type signs are used.

(D) Storage of flammable liquids in excess of 60,000 gallons in the general commercial ~~and highway service~~ districts ~~only~~ requires a special exception approval of the Board of Appeals. The placement of storage containers for flammable liquids shall comply with the setback requirements of § 1-19-7.610(J)(4).

(E) *Storage and operations.* Notwithstanding other provisions of this Code, all operations and the storage of equipment, materials, or products in the GC ~~or HS~~ Districts shall be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at site development plan review.

(F) Refuse and recycling dumpsters shall be located away from public access areas and may be required to be screened. The most appropriate screening shall be determined at site development plan review with materials reflecting neighborhood characteristics as approved by the planning commission.

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.211. GASOLINE STORAGE TANKS WITH A CAPACITY BETWEEN 270 GALLONS AND 1,100 GALLONS AS AN ACCESSORY USE ON FARM LOTS AND IN THE ~~HS~~, GC, LI AND GI DISTRICTS.

The following provisions shall apply to gasoline storage tanks with a capacity between 270 gallons and 1,100 gallons as an accessory use on farm lots in the ~~HS~~, GC, LI and GI Districts.

[(A) through (G) remain unchanged]

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.356. ~~RESERVED RECREATIONAL VEHICLE CAMPGROUND IN THE HS DISTRICT.~~

~~The following provisions shall apply to recreational vehicle campground in the HS District.~~

~~—(A) Both tent and recreation vehicles can be accommodated within a recreational vehicle campground but the campground will be designed for recreational vehicles.~~

~~—(B) Each campground will contain individual site electrical and water outlets, toilet and shower facilities, and sanitary facilities as required by the Frederick County Health Department.~~

~~—(C) The campground will have a minimum of 200 feet of road frontage on and access to a public road with a minimum pavement width of 20 feet and designated at least a collector in the County Comprehensive Plan.~~

~~—(D) Accessory commercial and recreational services, if exclusively used for residents of the campground are permitted. This may include coin-operated laundry, grocery, swimming pool, or entertainment approved by the Zoning Administrator.~~

~~—(E) Maximum density permitted is 15 campsites per acre and a minimum of 3,000 square feet per camp site. A camp site will be at least 50 feet from the property line.~~

~~—(F) One freestanding sign, no more than 50 square feet in area and 25 feet in height is permitted per frontage. Building identification signs shall be attached to buildings and may not exceed a total of 10 square feet.~~

~~—(G) The only permitted permanent residential occupancy will be for the resident owner or manager. (Ord. 77-1-78, § 40-72(A-2), 1-24-1977; Ord. 82-19-283, 9-7-1982; Ord. 08-26-502, 10-14-2008; Ord. 09-21-525, 6-4-2009)~~

§ 1-19-8.357. **RESERVED TRUCK STOPS IN HS DISTRICT.**

~~The following standards shall apply to a truck stop in the HS District.~~

- ~~—(A) The minimum lot size shall be 2 acres.~~
 - ~~—(B) The minimum lot width shall be 200 feet.~~
 - ~~—(C) The setbacks shall be 50 feet on all sides except when bordering commercial or industrial uses and zoning where the regular setbacks from the HS zone would apply.~~
 - ~~—(D) At least 15% of the lot area shall be devoted to green area, with the first 15 feet of the lot perimeter being devoted to green area except driveways.~~
 - ~~—(E) If the proposed truck stop is adjacent to residential uses or land zoned in residential categories, then screening shall be provided according to the following requirements.~~
 - ~~—(1) Screening shall include a fence and a dense planting of trees and shrubs, for the full length of the lot line.~~
 - ~~—(2) The plant materials used and any fencing must be not less than 6 feet in height.~~
 - ~~—(F) Truck stops shall be located only where arterial roads intersect with freeways/expressways or at interchanges as designated on the County Master Highway Plan.~~
 - ~~—(G) Petroleum, flammable liquid, or hazardous substance storage tanks shall have 100% catchment basin, or double walled containment and a spill protection overfill alarm. This does not apply to propane or natural gas tanks.~~
 - ~~—(H) Shall comply with § 1-6-50 (Wellhead Protection Ordinance) at site plan approval.~~
- ~~(Ord. 86-37-414, 8-26-1986; Ord. 07-16-456, 5-15-2007; Ord. 08-26-502, 10-14-2008)~~

DIVISION 4. PERMITTED USES

§ 1-19-8.420. COMMUNICATION TOWERS.

§ 1-19-8.420.2. CRITERIA.

The following design criteria shall apply to all communication towers in the ~~HS~~, GC, ORI, LI, GI, MM and non-residential MXD zoning districts as well as special exceptions in the RC and A Districts.

[(A) through (C) remain unchanged]

(D) The tower height may exceed the maximum height permitted within the ~~HS~~, GC, ORI, LI and GI Districts, and provided the required setbacks are met after a determination by the approving body that its visual profile and appearance would make no substantial change in the character of the area.

[(E) through (R) remain unchanged]

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT

DIVISION 4. MINERAL MINING DISTRICT (MM)

§ 1-19-10.400 MINERAL MINING (MM).

§ 1-19-10.400.2. GENERAL PROVISIONS.

[(A) through (C) remain unchanged]

(D) *Development standards.*

(1) *On site.*

(a) Minimum lot size shall be 25 acres.

(b) Required setbacks:

<i>Adjacent Zoning:</i>		
<i>Type of Operation</i>	RC, R, ORI, GC, HS, *RS	Adjacent Zoning: A, GI, LI
Crushing or rock processing of stone, gravel or other material	300 ft.	150 ft.
Stockpile of materials	300 ft.	150 ft.
Building used for mineral mining operation	300 ft.	50 ft.

~~*RS is a land use designation on the County Comprehensive Plan and for the purpose of these standards is intended to be treated as land zoned residential.~~

[(E) remains unchanged]

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§1-19-11.100. DEFINITIONS

HOME OCCUPATION. Any occupation or business use conducted entirely within a dwelling or an accessory structure, or both, by a resident of the property, and which is clearly an incidental residential use of the building, excluding antique shops in the VC, ~~HS~~, and GC; bed and breakfast; commercial repair or storage of automobiles, watercraft, or other motor vehicles; commercial stables, kennels, and nurseries; mortuary establishments; professional offices; restaurants or tea rooms.